

## **PUBLIC INTEREST STATEMENT**

Evergy Kansas Central, Inc. (“Evergy Kansas Central”) seeks expeditious grant of the instant application as well as the related applications to obtain new licenses for certain frequencies in the 896-901 /935-940 MHz band.<sup>1</sup> For the reasons set forth below, the instant application falls within the exclusion of the 900 MHz application established by the Federal Communications Commission in its October 9, 2019 Order<sup>2</sup> and warrants expeditious grant to allow Evergy Kansas Central to begin the immediate overhaul of its outdated and increasingly unreliable analog communications system.

### **Background**

Evergy Kansas Central, a wholly owned direct subsidiary of Evergy, Inc. (“Evergy”), is an electric utility providing electric generation, transmission and distribution services to more than 700,000 customers in the state of Kansas. Evergy Kansas Central, along with two other subsidiaries of Evergy, Inc. – Evergy Metro, Inc. and Every Missouri West, Inc. – collectively operate two multi-site Land Mobile Radio (“LMR”) systems to address a wide variety of communications needs.<sup>3</sup> Some of these facilities are more than 20 years old and in “Manufacturer Discontinued” status with very limited support of spare part availability. The current facilities operate in two distinct spectrum bands – 150 MHz and 900 MHz. The disparate spectrum bands are the result of the consolidation of three separate entities into Evergy, Inc. In order to benefit from operating efficiencies,<sup>4</sup> the Evergy Licensees desire to integrate their two systems by consolidating their licensed spectrum into a single band. In 2018, they made a decision to migrate many of these operations to a new digital system that will be used by all of the Evergy Licensees.

In preparation for the culmination of the proceeding initiated by the then pending Notice of Inquiry into a potential realignment of the 900 MHz band, the Evergy Licensees began discussions with PDV Spectrum Holding Company, LLC (“Anterix”) regarding an agreement to exchange frequencies. The Evergy Licensees and Anterix reached agreement, and pursuant to that agreement, the Evergy Licensees filed applications requesting authority to: (1) obtain new licenses for certain frequencies in the 896-901/935-940 MHz band; and (2) modify certain existing licenses in the 896-901/934-940 MHz band to change the location or change the technical parameters in a manner that expands their geographic footprint. Those applications

---

<sup>1</sup> The frequencies for which Evergy seeks authorization are set forth in Exhibit A, attached hereto.

<sup>2</sup> *Review of the Commission’s Rules Governing the 896-901/935-940 MHz Band; pdvWireless, Inc. d/b/a Anterix, Request for Modification of 900 MHz Temporary Filing Freeze*, Order, WT Docket No. 17-200 (rel. October 9, 2019) (“Freeze Modification Order”).

<sup>3</sup> Evergy Kansas Central, Every Metro, Inc., and Evergy Missouri West, Inc. are referred to collectively herein as “Evergy Licensees.”

<sup>4</sup> Among other things, the ability to operate in a single frequency band will create interoperability regardless of geographic area and regardless of business function (transmission, substation, distribution), and eliminate the need for dual radios. The new system will also optimize frequency use, reducing the total number of channels required.

requested a waiver of the 900 MHz application filing freeze. The agreement, as amended, provided for the parties to subsequently file applications for: (1) Anterix to partition and assign to the Evergy Licensees licenses for certain frequencies between 896 and 897.5 MHz; 935 and 936.5 MHz; 900.5 and 901 MHz; and 939.5 and 940 MHz; and (2) the Evergy Licensees to cancel or assign to Anterix licenses for frequencies in the broadband segment.

#### The Instant Application Meets the Criteria of the *Freeze Modification Order*

In its *Freeze Modification Order*, the FCC modified the temporary freeze on the acceptance of certain 900 MHz applications “by excluding applications filed by incumbent site-based licensees of frequencies in the 897.5-900.5 MHz/936.5-939.5 MHz segment to modify their licenses to request an equal or smaller number of frequencies in the 896-897.5/935-936.5 MHz and/or 900.5-901/939.5-940 MHz segments at the same location(s) and with equal or smaller spectral and geographic coverage.” The subject applications qualify for this inclusion in that (1) they seek to modify Evergy’s existing licenses to request an equal number of frequencies in the 896-897.5/935-936.5 MHz and/or 900.5-901/939.5-940 MHz segments at the same locations; and (2) the applications will result in equal spectral and geographic coverage. Exhibit A, attached hereto, specifies which particular 897.5-900.5 MHz/936.5-939.5 MHz segment frequency pair will be cancelled in exchange for which particular requested frequency pair in the 896-897.5/935-936.5 MHz and 900.5-901/935.5-940 MHz segments.<sup>5</sup> Evergy is not requesting an increase in the number of unique channels assigned to it and is not seeking an expansion of its existing coverage area.<sup>6</sup>

#### Expeditious Grant of the Instant Applications is Urgently Needed and Will Serve the Public Interest

Evergy requires use of the requested frequencies as soon as possible, and therefore requests consideration on an expedited basis. As discussed above, Evergy first sought grant of the instant applications as part of a series of applications filed in April of this year aimed at effectuating a systemwide consolidation of frequencies licensed to three different subsidiaries of Evergy’s parent company, Evergy, Inc. As a whole, those applications did not meet the criteria of the *Freeze Modification Order* to be excluded from the freeze. Because the instant application meets the criteria for exclusion, it is eligible for immediate grant, and for the reasons set forth below, such expedited grant will serve the public interest.

The LMR system is the critical communications link to Evergy Kansas Central’s field staff both for work efficiency and for the safety of that staff and the public.<sup>7</sup> Its current system no longer accomplishes this goal and must be replaced with an interoperable and more advanced network capable of achieving the propagation and building penetration necessary to address Evergy Kansas Central’s operational needs.

---

<sup>5</sup> Pursuant to the terms of the *Freeze Modification Order*, Evergy will cancel its authorization for the corresponding frequencies in the 897.5-900.5 MHz/936.5-939.5 MHz segment within 180 days after each application is granted.

<sup>6</sup> Attached as Exhibit B is a 22 dBu contour map depicting the existing and proposed coverage.

<sup>7</sup> Among other things, the LMR system is used to support the Wolf Creek nuclear power generating station, where reliability and safety are critical.

The current analog LMR system is no longer supported by the manufacturer and is currently experiencing equipment failures on a weekly basis. Evergy Kansas Central had prepared for the decline of this equipment during the pendency of the waiver applications by purchasing used hardware as spares but supplies have now been reduced to a critical level.

In order to prevent further disruption to critical electrical infrastructure communications facilities, grant of the instant application is needed as soon as possible.

## Exhibit A

Frequencies Requested that do not need a waiver since there is a broadband frequency to give back at this site

KNNQ316	Abilene	935.91250
WPJT249	Atchison	936.45000 939.73750
WPPE298	Atlanta	935.43750 935.92500 935.23750
WPJK976	Brown County	935.38750 935.73750
WQXL622	Bonner Springs	936.38750 939.68750 935.42500
WPSH521	Blue Rapids	935.75000 935.90000
WPVR388	Caney	935.15000 935.45000
KNNQ319	Cherryvale	935.95000
KNNQ322	Council Grove	935.95000
WQXR312	Cowskin	935.15000 935.63750
KNNQ349	Derby	936.13750 939.73750
KNNQ344	Eskridge	935.23750
WPWW292	Eureka	935.41250 935.91250
KNNQ353	Florence	935.21250 935.70000
KNNQ325	Fort Scott	935.15000 935.45000
WPSH427	Herington	935.15000 935.45000
KNNQ332	Hilton	935.65000 935.96250
KNNQ351	Hunter	935.15000 935.45000

KNNQ327	Hutchinson	935.25000
		935.20000
KNNQ344	Jeffery	935.50000
		935.66250
KNNQ350	Kansas City	936.41250

Exhibit B

